

REMARKS

It is noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 3-5, 11-14, and 16-21 are all of the claims pending in the present Application. The Examiner has seemingly changed his position from that of the Office Action dated October 2, 2003, in which the Examiner had indicated that all the pending claims would be allowable.

According to the latest Office Action dated November 17, 2003, claims 5, 18, and 21 are allowed. Applicants gratefully acknowledge the Examiner's indication that claims 13 and 14 would be allowable if rewritten in independent format. However, Applicants decline to rewrite these claims in independent format at this time, since it is believed that the present invention, as defined by the independent claims is clearly patentable over the prior art of record, when properly understood.

Claims 3, 4, 11, and 12 stand rejected under 35 USC §103(a) as unpatentable over Japanese Patent JP 07-160203 to Satoru et al., further in view of US Patent 5,075,686 to Shigemura. Claims 16 and 17 stand rejected under 35 USC §103(a) as unpatentable over Satoru/Shigemura, further in view of US Patent 6,339,696 to Chan et al. Claims 19 and 20 stand rejected under 35 USC §103(a) as unpatentable over Satoru/Shigemura, further in view of US Patent 6,144,358 to Narayanaswamy et al.

These rejections are respectfully traversed in view of the following discussion.

## I. THE CLAIMED INVENTION

As disclosed and described by, for example, claim 3, the present invention is directed to a vehicle-mounted apparatus, including a first panel including a first display. The first panel is mountable onto a surface of a vehicle. A second panel includes a second display, the second panel being openable and closeable with respect to the first display about a side thereof as an axis. There is an operating switch. A means is provided for changing a function indication on the operating switch according to whether the second panel is open or closed.

Advantages of the present invention over prior art configurations include that it provides a display/control apparatus that minimizes space and reduces complexity for the control switching.

Moreover, relative to the device taught in Satoru, the present invention provides a simple mounting technique (i.e., directly to the surface) that does not need an expensive and complex motor-driven mechanism. Additionally, the present invention provides a control panel on the back face of the second panel, thereby allowing more space on each panel to be devoted to the display function and provides a display configuration in which a portion of the first display can be left uncovered when the second panel is in the closed position, thereby allowing the exposed portion of the first panel to serve as a small display area when the panels are closed.

## II. THE PRIOR ART REJECTIONS

The Examiner alleges that claims 3, 4, 11, and 12 are rendered obvious by JP 07-160203 to Satoru et al., further in view of US Patent 5,075,686 to Shigemura. As best understood, the Examiner concedes that Satoru fails to teach or suggest "a means for changing

a function indication on said operating switch according to whether said second panel is open or closed."

To overcome this deficiency, the Examiner relies upon Shigemura and alleges that "Shigemura teach [a] group of switches and the input functions may be changed over by opening or closing the cover".

Regardless of whether the Examiner's characterization of Shigemura is correct, it would be irrelevant, since the plain meaning of the claim language requires that the function indication be changed as a function of whether the second display panel (not a control switch cover) is open or closed.

Neither Satoru or Shigemura teaches a first display panel, a second display panel that is openable/closable about an axis that is a side of the first display, and an operating switch for which an indication of a function indication is dependent upon whether the second display panel is open or closed. That is, the switch cover of Shigemura is not a "display panel", as that term would be understood by one of ordinary skill in the art. Therefore, even if Shigemura were to be combined with Satoru, as urged by the Examiner, the combination would not provide the result described by the plain meaning of the claim language.

The Examiner relies on Chan to demonstrate audio source selection and upon Narayanaswamy to demonstrate sensing of an angular position. Therefore, neither Chan nor Narayanaswamy corrects for the deficiency of Satoru.

Moreover, since the "means for ..." claim language is in "means plus function" format, the Examiner's interpretation of this limitation must be equivalent to the "means" described in the specification of the present Application. The means in Shigemura is clearly not equivalent to the mechanism described in the specification.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of "... an operating switch; and means for changing a function indication on said operating switch according to whether said second panel is open or closed....," as required by claim 3.

Therefore, claims 3-5, 11-14, and 16-21, all the claims currently pending in the Application are clearly patentable over Satoru.

Additionally, it is noted that the combinations urged by the Examiner would be improper, since the rationale for the combinations is nothing more than conclusory statements of the result of having made the combination. The correct standard is whether the prior art references themselves suggest making the modification.

That is, as clearly described in MPEP §2143.01: "*The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.*" [emphasis in MPEP itself]

The rejection currently of record merely recites the missing element and then summarily declares that it would be obvious to incorporate this element because another reference describes the function or benefit of the missing element. This evaluation process is improper under MPEP §2141.02: "*In determining the differences between the prior art and the claims, the question under 35 U.S.C 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.*" [emphasis in MPEP itself]

The prior art references currently of record clearly do not show a vehicle-mounted apparatus similar to that of the present invention.

### **III. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicants submit that claims 3-5, 11-14, and 16-21, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



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